

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL MINUTE ORDER

DATE: March 24, 2025

TIME IN COURT: 30 minutes

JUDGE: JEFFREY S. WHITE

COURTROOM DEPUTY: Nicole Hall

COURT REPORTER: Raynee Mercado

CASE NO.: 23-cr-00268-JSW-2

TITLE: United States of America

v. Devon Christopher Wenger

Present Not Present In-Custody

U.S. ATTORNEY:

Ajay Krishnamurthy
Alethea Sargent
Eric Cheng

DEFENSE COUNSEL:

Dena Young

PROCEEDINGS

RESULT OF HEARING: Pretrial hearing – Held.

The Court directs the parties to review the Court's Guidelines for trial in Criminal case and Criminal Standing Orders before trial.

The Pretrial hearing is held and commenced

Government's Motions in Limine:

No 1. Motion to Admit Evidence Statements of Co-Conspirators (Dkt. No. 145) –
GRANTED as set forth on the record.

No. 2 Motion to Preclude Irrelevant Attempts to Encourage Jury Nullification (Dkt. No. 146)-
GRANTED as set forth on the record.

No. 3 Motion to Admit Business and/or Public Records and Summaries (Dkt. No. 147) –
GRANTED as set forth on the record.

Wenger Motions in Limine:

No. 1 Motion to Exclude Expert Testimony re: Cell Phone / Cloud Extractions (Dkt. No. 149) –
DENIED as set forth on the record.

No. 2 Motion to Exclude Bad Acts Evidence (Dkt. No. 150) – DENIED as set forth on the record.

Jury Issues:

The Court posted its standard jury questionnaire. The Court will add all the case-specific questions proposed by the parties to the jury questionnaire.

Challenges:

The parties are to exercise their peremptory challenges simultaneously and blind as to the other party's selection until the jury is final.

Challenges will be exercised out of the presence of the jurors.

The order of challenges and/or excusals is as follows:

- (1) hardship/time
- (2) cause
- (3) peremptory
- (4) Batson

Jurors: 12 jurors, No alternates.

Opening Statements:

The Court inquired with the parties pertaining to opening statements and the time needed to present opening statements. The Government estimated twenty minutes to present opening statements. The Defense estimated ten minutes to present opening statement.

The parties' opening statements should be confined to expected contents of witness testimony. The parties are not to be argumentative or to suggest inferences they would like the jury to make from the evidence.

The Court will require the parties to exchange their opening statement demonstratives by close of business on the Thursday before trial and to file any objections with the Court by 4:00 p.m. on the Friday before trial.

Jury Instructions:

Proposed preliminary and general jury instructions have been posted.

The last day for objections is March 26.

The Court has posted its intended jury slide show, and objections are due by March 26.

The Court will discuss final jury instructions at the charging conference.

Jury Certification:

The Court will provide a written version of the certification agreeing to abide by the instructions to the jurors. No party objects.